

**UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
(Richmond Division)**

SHERWOOD A. MASON,

Plaintiff,

v.

ROSS NEELY SYSTEMS, INC.

and

DAVID J. CRAIG,

Defendants.

Civil Action No.: 3:20-cv-757

NOTICE OF REMOVAL

Defendants Ross Neely Systems, Inc. (“RNS”) and David J. Craig (“Craig”) (collectively, “Defendants”), by counsel and in accordance with 28 U.S.C. §§ 1332, 1441, and 1446, hereby file this Notice of Removal, and state the following in support:

1. On or about September 3, 2020, the Clerk of the Circuit Court for the City of Richmond filed a Certificate of Compliance indicating that RNS’ statutory agent, the Secretary of the Commonwealth, had been served with Plaintiff’s Complaint, which is attached as **Exhibit 1**, in a civil action entitled *Sherwood A. Mason, Plaintiff, v. Ross Neely Systems, Inc. and David J. Craig, Defendants*, now pending in the Circuit Court for the City of Richmond – Case No. CL 20-3563.

2. In his Complaint, Plaintiff alleges he is a resident of the Commonwealth of Virginia.

3. RNS is and was, both at the time of the commencement of this action and at the time of the filing of this Notice of Removal, a corporation organized and existing under Alabama

law with its principal place of business in Alabama and, therefore, is a citizen of Alabama. This fact is indicated on the Affidavit for Service of Process on the Secretary of the Commonwealth, which correctly provides that RNS' address is 1500 2nd Street in Birmingham, AL 35214.

4. Craig is and was, both at the time of the commencement of this action and at the time of the filing of this Notice of Removal, an individual residing in the state of Alabama.

5. That Craig is and was an out-of-state resident at all relevant times is confirmed by Plaintiff's Complaint, which requests service on the Office of the Secretary of the Commonwealth.

6. That Craig is and was a resident of Alabama at all relevant times will be confirmed by his forthcoming Declaration of Residency, which is incorporated herein by reference and which counsel for Defendants will file with this Court upon receipt.

7. The attached Complaint asserts that the Plaintiff is seeking compensatory damages and a "judgment against Defendants, jointly and severally, in the amount of \$4,750,000.00." Accordingly, the amount in controversy exceeds \$75,000 (exclusive of interest and costs), the action involves a controversy between citizens of different states, and is sufficient to confer diversity jurisdiction over this matter upon this Court.

8. Defendants timely filed Answers to the Plaintiff's Complaint in the Circuit Court for the City of Richmond. That response is attached as **Exhibit 2**.

9. Thirty (30) days have not yet expired since receipt and service of Plaintiff's Complaint.


10. Copies of all process, pleadings and orders served upon Defendants in this action are attached hereto, collectively, as **Exhibit 1**.

11. Defendants have provided written notice of the filing of this Notice of Removal to Plaintiff by regular mail on this date and has also forwarded a Notice of Filing of Notice of Removal for filing with the Clerk of the Circuit Court for the City of Richmond.

WHEREFORE, Defendants request that Plaintiff's action now pending in the Circuit Court for the City of Richmond be removed to this Court and placed on the regular docket of the United States District Court for the Eastern District of Virginia (Richmond Division).

**ROSS NEELY SYSTEMS, INC. and
DAVID J. CRAIG**

By Counsel



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF REMOVAL was sent this 25th day of September, 2020, served by first class U.S. mail upon:

S. Geoffrey Glick (VSB No. 28800)
Jason M. Hart (VSB No. 76818)
The Joel Bieber Firm
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(804) 358-2200
(804) 358-2262
Counsel for Plaintiff

A handwritten signature in black ink, appearing to read "Jason M. Hart", is written over a horizontal line.